

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

OA/021/604/2016

Reserved on: 02.04.2019

Order pronounced on: 05.04.2019

Between:

Katta Satyanarayana,
S/o. K. Hanumanlu,
Aged about 65 years,
Occ: Retd. Group D, Karimnagar HO,
R/o. Battapally Village,
Hyeram B.O., a/w Nerella,
Karimnagar – 505 454.

...Applicant

And

1. Union of India rep. by
The Secretary, Govt. of India,
Ministry of Communication & IT,
Department of Posts – India,
Dak Bhavan, Sansad Marg,
New Delhi – 110 001.
2. The Chief Postmaster General,
A.P. Circle, 'Dak Sadan',
Hyderabad – 500 001.
3. Director of Postal Services,
Hyderabad Region,
O/o the Postmaster General,
Hyderabad Region,
Hyderabad – 500 001.
4. The Superintendent of Post Offices,
Karimnagar Division,
Karimnagar.

...Respondents

Counsel for the Applicant	...	Mr. M. Venkanna
Counsel for the Respondents	...	Mr. T. Hanumantha Reddy, Sr. PC to CG

CORAM:

<i>Hon'ble Mr. B.V. Sudhakar</i>	...	<i>Member (Admn.)</i>
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ORDER

{As per Hon'ble Mr. B.V. Sudhakar, Member (Admn.)}

The O.A. has been filed for not granting pension to the applicant though he had put in service of more than 10 years including ad hoc service as Group 'D' against regular vacancy.

2. The brief facts of the case are that the applicant was appointed as GDS Branch Post Master in the respondent organization on 31.10.1971. As the applicant put in more than 30 years of service as GDS BPM, he was promoted to the cadre of Group 'D' from GDS in the seniority quota vide DPC minutes dated 12.3.2001. Prior to the regular promotion, the applicant officiated in the Group 'D' post from 17.11.2000 to 21.03.2001 with some technical breaks in between. After the officiating period, the applicant got regular promotion as Group 'D' and joined the post on 15.03.2001. Later, after serving for some years, the applicant retired on 31.10.2010 from the respondent organization. On retirement, the applicant represented for grant of pension since he had put in more than 10 years of service including the officiating service in Group 'D'. However, the same was not considered by the respondents. Hence, the O.A.

3. The contentions of the applicants are that he is eligible for pension based on Rule 49(3) of CCS (Pension) Rules, 1972. Besides, the applicant claims that Group 'D' vacancy arose in the year 2000 and the DPC met in 2001 granting him promotion in 2001. Therefore, there was a delay in conduct of DPC which has adversely affected his chance of getting pension. The applicant alleges that he has been discriminated in grant of pension.

4. Respondents per contra, informed that the applicant on being promoted as Group 'D', joined the post on 22.3.2001 and retired from service on 31.10.2010. Service rendered by the applicant as on the date of retirement was 9 years 7 months & 9 days as per Rule 13 of CCS (Pension) Rules. Since the applicant has not completed 10 years of service, he was not granted pension. The DPC for the vacancy of 2000, has met in 2001 and cleared his name for promotion as Group 'D'. There is no delay in this regard. Besides, there is no rule which permits inclusion of officiating period to be reckoned for working out pension. The respondents also informed that the applicant has filed O.A. No.17/2013 seeking the same relief which was dismissed by the Tribunal, quoting the judgement of the Hon'ble High Court in a similar case. Respondents also pointed out that the applicant has not come with clean hands to the Tribunal since he has stated that no O.A. has been filed before this Tribunal earlier.

5. Heard both the learned counsel and perused the documents as well as material papers submitted.

6. Primarily, it is evident that the applicant has filed OA No. 17/2013 which was dismissed by the Tribunal citing Rule 49(3) of CCS (Pension) Rules 1972. The benefit under the said Rule can be extended only in cases where an employee completed 9 years 9 months service. In the present case, the applicant has completed only 9 years 7 months and 9 days service. The Tribunal, while dismissing the O.A. No.17/2013, based its verdict on the observation of the Hon'ble High Court of A.P. in a similar matter vide order dated 11.7.2013 in W.P. No.12505/2013. Therefore, it is clear and evident that the applicant has come to the Tribunal once again on a similar issue which was dismissed by the Tribunal in

O.A. No.17/2013. The dismissal was based on the judgement of the Hon'ble High Court. It is also unfortunate to note that the applicant has given wrong information to the Tribunal stating that no OA has been filed on the same issue earlier. There is no merit in the O.A. to intervene. Hence, the O.A. is dismissed.

No order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

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